

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

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|----------------------------------|---|------------------------|
| DAVID LOUIS GUIDRY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | No. 08-3471-CV-S-DGK-H |
| |) | |
| MARTY C. ANDERSON, Warden |) | |
| United States Medical Center for |) | |
| Federal Prisoners, |) | |
| |) | |
| Respondent. |) | |

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

As grounds for relief in habeas corpus, the petitioner challenges his continued confinement at the United States Medical Center for Federal Prisoners. As grounds, he states that his civil commitment under 18 U.S.C. §4243 has expired. He also challenges numerous conditions of confinement at the United States Medical Center. A Show Cause Order was entered and a response was filed.

A review of the files and records in this case establishes that the defendant is committed under 18 U.S.C. §4243 to the United States Medical Center from the United States District Court for the Eastern District of California. Any challenge to the fact or duration of that commitment must be addressed to the committing court. *Archuleta v. Hedrick*, 365 F.3d 644 (8th Cir. 2004). The

documents submitted in response to the Order to Show Cause also establish that before petitioner was treated with anti-psychotic medication , he received the due process protection outlined in *Washington v. Harper*, 494 U.S. 210, 227 (1990).

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England

**JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE**

Date: March 25, 2009